

REMARKS

This amendment is responsive to the Office Action mailed May 30, 2006.
Reconsideration is requested in view of the amendments and remarks herein.

Claims 1-27 are pending.

Claims 1-4, 10, 12, 15-17, 22 and 25-27 stand rejected.

Claims 5-9, 11, 13, 14, 18-21, 23 and 24 have been objected to.

Claims 2 and 16 are canceled.

Claims 1, 15 and 25-27 are independent.

Claims 1, 3, 4, 15, 17 and 25-27 are herein amended.

Rejection under 35 U.S.C. § 101:

The Office Action rejects claims 1 and 25-27 for including nonstatutory subject matter within the meaning of 35 U.S.C. § 101. Accordingly, claims 1 and 25-27 have been herein amended to recite sending a message to the determined primary agent to inform the determined primary agent of the management responsibility, as discussed at page 16, lines 21-26. It is therefore respectfully requested that the rejections under 35 U.S.C. 101 be withdrawn.

Rejection under 35 U.S.C. § 102 Based on Pickering et al., U.S. Patent No. 6,493,695:

Claims 1, 2, 4, 10, 12, 15, 16, 22 and 25-27 rejected under 35 U.S.C. §102(e) as being anticipated by Pickering et al., U.S. Patent No. 6,493,695. Applicants respectfully disagree with these contentions and assert that the present claimed invention is not anticipated by any disclosure in the Pickering '695 reference. Specifically, Claim 2 was rejected based on the suggestion that Pickering teaches defining failover rules. Pickering, however, teaches assigning a generic data structure, applicable to a range of customer requests, to one of several equivalent agents. The present system, however, is distinguishable from Pickering because the present claims recite an agent type.

In Pickering '695, there is no identification or selection of an agent type; each agent is equally adapted to receive the generic data structure. In contrast, the claimed

system identifies agent types and manageable entity types, discussed further at page 12, lines 1-9. The failover rules employ compatibility associations between agent types and manageable entity types, also shown in Fig. 5. Pickering makes no showing, teaching, or disclosure, alone or in combination, of agent types, nor of compatibility associations between agent types and manageable entity types. Rather, Pickering employs a pool of agents, each equally applicable to the queued generic data structure, shown at col. 3, lines 10-21 and also at col. 9, lines 41-63. In fact, the Pickering agents may even be interchanged between inbound and outbound requests (col. 9, lines 55-60).

Pickering discloses no qualitative distinctions of agent types, and appears to distinguish between customer requests only via the common data structure containing the customer requests. The present application is distinguishable because the claimed system defines compatibility associations between different types of agents and manageable entities. Therefore, claims 1, 15, and 25-27 are deemed distinguishable from Pickering because Pickering '695 does not show, teach, or disclose compatibility associations between agent types and manageable entity types, as recited in claims 1, 15 and 25-27. However, Claim 1 has been further amended with the subject matter of claim 2 to recite defining the failover rules, the failover rules for designating, based on the type of the agent, failover agents types operable to manage the manageable entities corresponding to the agent type, the failover rules further responsive to compatibility associations between the manageable entity types and the agent types, to further clarify and distinguish the present application. Claim 15, rejected on similar grounds, has been likewise amended with the subject matter of claim 16.

As the remaining claims all depend, either directly or indirectly from claims 1 and 15, which by the foregoing are deemed allowable, it is respectfully submitted that all claims are now in condition for allowance.

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Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,



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